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August 11, 2011

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RIGHT OF WAY OCCUPANCY NEW PERMITS

1. MICHAEL AND VICKI WHITE-SKLARK
COUNTY:BROWARD

Permit Number 13898
Appl. Number 11-0531-1
Easement

AUTHORIZING:

EXISTING LANDSCAPING CONSISTING OF GUMBO LIMBO TREES AND SABAL PALM TREES ENCROACHING APPROXIMATELY 20' AND A PROPOSED PERGOLA ENCROACHING APPROXIMATELY 15' (69' AND 74' RESPECTIVELY FROM THE TOP OF BANK) WITHIN THE SOUTH RIGHT OF WAY OF THE HILLSBORO CANAL AT THE REAR OF 4769 N.W. 7TH PLACE (LOT 172, HARBORS AT RIVERGLEN).

LAST DATE FOR BOARD ACTION: **August, 2011**

2. LABELLE VILLAS CONDOMINIUMS CONDOMINIUM
ASSOCIATION
COUNTY:BROWARD

Permit Number 13666
Appl. Number 10-0204-1
Fee and Easement

AUTHORIZING:

EXISTING SEAWALL, DOCK AND FENCING WITHIN THE SOUTH RIGHT OF WAY OF C-14 IMMEDIATELY EAST OF CYPRESS ROAD (N.E. 18TH AVENUE).

LAST DATE FOR BOARD ACTION: **Sept., 2011**

3. JON JAMES, LLC
COUNTY:COLLIER

Permit Number 13885
Appl. Number 11-0519-1
Agreement

AUTHORIZING:

EXISTING PILE-SUPPORTED VEHICULAR BRIDGE CROSSING CR-951 CANAL LOCATED APPROXIMATELY 2,100' NORTH OF THE CENTERLINE OF VANDERBILT BEACH ROAD IN CONJUNCTION WITH THE COUNTY ROAD 951 CANAL IMPROVEMENT PROJECT.

LAST DATE FOR BOARD ACTION: **August, 2011**

RIGHT OF WAY OCCUPANCY PERMIT MODIFICATIONS

1. BROWARD COUNTY - WATER AND WASTEWATER SERVICES
COUNTY:BROWARD

Permit Number 13195
Appl. Number 11-0607-1M

Fee & Easement

AUTHORIZING:

EXISTING REVISIONS TO PREVIOUSLY-AUTHORIZED LANDSCAPING CONSISTING OF NATIVE TREES WITHIN THE NORTH RIGHT OF WAY OF THE NORTH NEW RIVER CANAL APPROXIMATELY 50' FROM THE TOP OF BANK (ON THE NORTH SIDE OF SW 25TH STREET); BEGINNING EAST OF SW 44TH STREET CONTINUING EASTERLY 1/2 MILE TO SW 41ST AVENUE.

LAST DATE FOR BOARD ACTION: **August, 2011**

2. INGRY T., PETER T. AND CECILLIA P. VO
COUNTY:ST. LUCIE

Permit Number 13375
Appl. Number 11-0408-3M

Easement

AUTHORIZING:

EXISTING LIFT, WATER AND ELECTRIC SERVICE INSTALLED ON EXISTING, PREVIOUSLY-AUTHORIZED DOCK WITHIN THE SOUTH RIGHT OF WAY OF C-23A AT THE REAR OF 2401 SE LOOKOUT BOULEVARD (LOT 1, VIKINGS LANDING, PHASE I).

LAST DATE FOR BOARD ACTION: **August, 2011**

RIGHT OF WAY OCCUPANCY PERMIT REQUESTS WITH WAIVER OF DISTRICT CRITERIA

1. Consideration of a request by the **Palm Beach County Department of Environmental Resources Management** (Application No. 10-1229-4M, Permit No. 13893) for issuance of a Right of Way Occupancy Permit for proposed equipment staging area improvements and Waiver of District criteria to allow a proposed shellrock parking area with driveway, fencing and gates within the south right of way of C-18E located immediately west of Central Boulevard. Location: Palm Beach County, Section 3, Township 41 South, Range 42 East.

The applicant's request for Waiver of the District's criteria, which prohibits the use of motor vehicles and parking and the placement of semi-permanent/permanent above-ground facilities within the District's 100 foot long designated equipment staging areas located at all bridges and pile-supported crossings within Works or Lands of the District, is based on "substantial hardship". The Applicant has constructed several environmental restoration projects along the reach valued at \$1.6 million with additional planned improvements and restoration. One of the projects, Limestone Creek Restoration Phase III was funded through State-Appropriations on a cost-share basis, \$325,000 (District managed) and \$325,000 from Palm Beach County. The project is one of several under the Loxahatchee River Preservation Initiative, and is part of a watershed-based effort to protect the Loxahatchee River. If parking is not allowed within a portion of the canal right of way, public recreational use would be greatly limited and justification for future improvements by the Applicant within the District's C-18E restoration area would be lacking.

In addition, the proposed parking area will include the construction of equipment staging area improvements designed in coordination with District Operations Maintenance & Construction staff. The District's Operations Maintenance & Construction staff has reviewed the project and has determined the proposed parking area improvements will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation and routine maintenance activities, so the purpose of the underlying statute will be achieved.

The applicant's petition has been reviewed by the Office of Counsel for compliance with the applicable legal requirements. Pursuant to section 120.542(6), F.S., notice of the petition was provided to the Department of State and was published in *Volume 37, Number 04* of the *Florida Administrative Weekly* on *January 28, 2011*. No public comments were received.

Therefore, staff recommends **approval** of Right of Way Occupancy Permit Number 13893 and **approval** of the Petition for Waiver of the District's criteria which governs the utilization of motor vehicles and parking, and the placement of semi-permanent/permanent above-ground facilities within the District's 100 foot long designated equipment staging areas located at all bridges and pile supported crossings within Works or Lands of the District.

(Fee)

RIGHT OF WAY OCCUPANCY PERMIT REQUESTS WITH WAIVER OF DISTRICT CRITERIA

2. Consideration of a request by the **Miami-Dade County Park and Recreation Department** (Application Number 09-0311-5, Permit Number 13901) for issuance of Right of Way Occupancy Permit for construction of a linear park consisting of a shared use path, landscaping, shelters with appurtenances, signage (regulatory, wayfinding and warning) and access control features (bollards, fencing, vehicular gates, guardrail); and Waiver of District criteria for some of the proposed signage and access control features within the south right of way of C-9 from the Florida Turnpike easterly to NE Miami Gardens Drive. Location: Miami-Dade County, Section (multiple), Township 51 & 52 South, Range 41 & 42 East.

The applicant's request for Waiver of the District's criteria, which governs the placement of semi-permanent/permanent above-ground facilities within 40 feet of the top of canal bank and within the District's 100 foot long equipment staging areas located at bridges and pile-supported crossings within Works or Lands of the District, is based on "substantial hardship". The signage and access control features are required for the safety of users and to prevent unauthorized vehicular access onto the District's right of way.

The access control features and sign placement have been coordinated with the Miami Field Station taking into account the District's maintenance and access needs. The District's Operations Maintenance & Construction staff has reviewed the project and has determined that the proposed improvements do not significantly interfere with the District's current ability to perform necessary construction, alteration, operation and routine maintenance activities, so the purpose of the underlying statute will be achieved.

The applicant's petition has been reviewed by the Office of Counsel for compliance with the applicable legal requirements. Pursuant to section 120.542(6), F.S., notice of the petition was provided to the Department of State and was published in *Volume 37, Number 30* of the *Florida Administrative Weekly* on July 29, 2011. No public comments were received.

Therefore, staff recommends **approval** of the issuance of Right of Way Occupancy Permit Number 13901 and **approval** of the Petition for Waiver of the District's criteria which governs the placement of semi-permanent/permanent above-ground facilities within 40 feet of the top of canal bank and within the District's 100 foot long equipment staging areas located within Works or Lands of the District.

(Fee & Easement)

RIGHT OF WAY OCCUPANCY PERMIT REQUESTS WITH WAIVER OF DISTRICT CRITERIA

3. Consideration of a request by the **City of Oakland Park** (Application No. 10-0709-4, Permit No. 13897) for issuance of a Right of Way Occupancy Permit for construction of a linear park consisting of a pedestrian path, landscaping, bollard lights, removable bollards, fencing and gates; and Waiver of District criteria for guardrail within the north and south rights of way of C-13 located from NW 29th Avenue to NW 21st Avenue (North side) and NW 21st Avenue to the District's Water Control Structure S-36 (South side). Location: Broward County, Section 20, Township 49 South, Range 42 East.

The applicant's request for Waiver of the District's criteria, which governs the placement of semi-permanent/permanent above-ground facilities within 40 feet of the top of canal bank within Works or Lands of the District, is based on "substantial hardship". The Applicant asserts that the guardrail is needed for safety along areas where the pedestrian path could not be sited further away from the canal bank. The District's Operations Maintenance and Construction staff has reviewed the project and has determined that the proposed improvements do not significantly interfere with the District's current ability to perform necessary construction, alteration, operation and routine maintenance activities, so the purpose of the underlying statute will be achieved.

The applicant's petition has been reviewed by the Office of Counsel for compliance with the applicable legal requirements. Pursuant to section 120.542(6), F.S., notice of the petition was provided to the Department of State and was published in *Volume 37, Number 27* of the *Florida Administrative Weekly* on *July 8, 2011*. No public comments were received.

Therefore, staff recommends **approval** of the issuance of Right of Way Occupancy Permit Number 13897 and **approval** of the Petition for Waiver of the District's criteria which governs the placement of semi-permanent/permanent above-ground facilities within 40 feet of the top of canal bank within Works or Lands of the District.

(Easement)